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UPDATE

Lawmakers advance proposal aimed at gaps discovered by safe haven bill



Sen. Annette Dubas explains LB356, which would allow parents to request behavioral health services from the state.

A bill that would allow parents to request behavioral health services from the state advanced March 10.

Fullerton Sen. Annette Dubas, sponsor of LB356, said the bill would address gaps in access to children's behavioral health services brought to light by the state's 2008 safe haven law. It would reduce the number of parents who feel they must transfer legal custody of their children to the state in order for them to receive behavioral health services, she said.

"Children have been overlooked by policymakers," Dubas said. "It's time to make them a priority."

Sen. Colby Coash of Lincoln supported LB356, saying it would keep more children from becoming wards of the state. He said his experience as a social

continued on page 20

Bill would address gang violence

Senators advanced a bill March 11 aimed at reducing violent crime and gang activity.

LB63, introduced by Omaha Sen. Mike Friend, would enhance penalties for several existing firearm violations and violent crimes committed with weapons. Friend said new offenses created under the bill are designed to discourage violent gang activities known to promote retaliation by rivals.

The bill would increase the crimi-

nal penalties for possession of a handgun by a juvenile, illegal transfer of a firearm to a juvenile, possession of a firearm on school grounds, first and second degree assault, first and second degree assault on an officer, shooting at an occupied dwelling, felon in possession of a deadly weapon and use of a deadly weapon to commit a felony.

Omaha Sen. Brad Ashford said the bill would address what he called an "epidemic of violent crime."

"The message has to be given to those potential shooters and that message is if you shoot someone, you're going to pay for it," Ashford said.

LB63 also would:

- allow judges to consider an offender's propensity for violence and the danger he or she may pose to public safety when setting conditions of bail;
- allow prosecutors and judges to consider a juvenile offender's gang affiliation when deter-

continued on page 2

A CLOSER LOOK.....

Bill would address gang violence

continued from front page

- mining whether they should be prosecuted as adults or juveniles;
- create offenses for discharge of a firearm from a motor vehicle and illegal recruitment into a criminal organization;
- prohibit domestic violence offenders and subjects of protection orders from possessing firearms or knives;
- add additional penalties for possession of a deadly weapon during the commission of a felony;
- clarify handgun and firearm definitions; and
- clarify existing handgun registration and purchase permit requirements regarding social security numbers to comply with federal law.

The Judiciary Committee offered an amendment that would incorporate provisions of three other bills.

LB35, introduced by Ashford, would create a state Office of Violence Prevention. The office would include a director and advisory board appointed by the governor and would work with state and local law enforcement to implement programs to reduce violence. The office also would identify programs and services for people previously convicted of violent crimes to help change their pattern of violent behavior.

LB276, introduced by Omaha Sen. Jeremy Nordquist, would provide stronger and more comprehensive penalties for graffiti and criminal defacement.

LB277, also introduced by Nordquist, would grant judges the authority to order a defendant in a

New Offenses in LB63	Sentence
Unauthorized application of graffiti	Class III Misdemeanor (90 days/\$500 fine)
Possession of a deadly weapon during the commission of a felony	Class III Felony (1-20 years)
Possession of a firearm during the commission of a felony	Class II Felony (1-50 years)
Shooting a firearm from a motor vehicle	Class IC Felony (5-50 years) No probation
Unlawful gang recruitment	Class IV Felony (0-5 years)

criminal defacement case to clean up or repair the defaced property and keep the property clean of graffiti for up to one year. Additionally, the court could require the defendant to undergo counseling.

Omaha Sen. Pete Pirsch offered an amendment to the committee amendment that would enhance penalties from a Class IV felony to a Class III felony for possessing a defaced firearm, defacing a firearm and possessing a stolen firearm. He said the amendment would address difficulties in tracing firearms involved in violent crimes.

“It makes LB63 more complete and more comprehensive,” Pirsch said of his amendment.

It was adopted on a 47-0 vote.

Pirsch also offered an amendment to the committee amendment that would have required the Office of Violence Prevention created by the proposal to conduct public awareness activities. Under the amendment, the office would have been directed to use methods such as public service announcements, billboards and brochures to publicize the enhanced penalties under LB63.

Pirsch said his amendment would help LB63 accomplish the intended purpose.

“The purpose of the penalties should not be to incarcerate as many people as possible. The purpose is to deter,” he said.

Several senators opposed the amendment, saying it addressed an issue better left to local control.

“We set state policy,” Schuyler Sen. Chris Langemeier said. “We don’t set advertising campaigns.”

Pirsch’s amendment failed on a 14-25 vote.

Omaha Sen. Steve Lathrop offered an amendment to the committee amendment that would remove the restriction of a person convicted of a misdemeanor crime of domestic violence from possessing a knife. He said the amendment addressed an oversight in the committee amendment that would result in the prohibition of people convicted of a misdemeanor crime of domestic violence from everyday activities, such as entering a restaurant where knives are present.

continued next page

A CLOSER LOOK.....

continued from previous page

Lathrop’s amendment was adopted on a 40-0 vote.

Omaha Sen. Brenda Council questioned whether LB63 would succeed in reducing violence.

“Stiffer penalties don’t necessarily deter violent crime,” she said. “Consequences mean absolutely nothing to people who have no hope. What we ought to be addressing is restoring the hope to these young people.”

Council also opposed the repeal of jailhouse informant regulations outlined in the committee amendment.

Friend said enhanced penalties

play a key part in reducing crime.

“We’re not a bunch of criminologists, but I think it’s fair to say that there’s a specific deterrent associated with enhanced penalties,” he said.

Several senators raised concerns about the potential cost of the bill. Louisville Sen. Dave Pankonin said Nebraska would have to be prepared to pay for additional costs associated with incarcerating more people for longer.

Ashford agreed, saying the state Department of Corrections facilities are currently at 137 percent of

capacity.

“This bill will result in a larger number of incarcerated persons,” he said. “It may cost more than \$1.5 million.”

Ashford estimated the cost of the Office of Violence Prevention would be \$445,000 each year. But once prevention efforts begin to take effect, costs would be recouped, he said.

“It’s my hope and vision that costs will even out,” Ashford said.

Senators adopted the committee amendment 45-1 and advanced LB63 to select file on a 44-1 vote.

First Offenses Increased in LB63	Current Sentence	Proposed Sentence
First Degree Assault	Class III Felony (1-20 years)	Class II Felony (1-50 years)
Second Degree Assault	Class IIIA Felony (0-5 years)	Class III Felony (1-20 years)
First Degree Assault on an officer	Class II Felony (1-50 years)	Class ID Felony (3-50 years) No probation
Second Degree Assault on an officer	Class III Felony (1-20 years)	Class II Felony (1-50 years)
Unlawful possession of a handgun by a juvenile	Class III Misdemeanor (0-3 months)	Class I Misdemeanor (0-1 year)
Unlawful transfer of a firearm to a juvenile	Class IV Felony (0-5 years)	Class III Felony (1-20 years)
Possession of a firearm on school grounds	Class II Misdemeanor (0-6 months)	Class IV Felony (0-5 years)
Use of a deadly weapon to commit a felony	Class III Felony (1-20 years)	Class II Felony (1-50 years)
Possession of a knife or brass/iron knuckles by a prohibited person	Class IV Felony (0-5 years)	Class III Felony (1-20 years)
Possession of a firearm by a prohibited person	Class III Felony (1-20 years)	Class ID Felony (3-50 years) No probation
Shooting at an occupied dwelling	Class III Felony (1-20 years)	Class ID Felony (3-50 years) No probation

ISSUES UPFRONT

Banking, Commerce, & Insurance

Banking bill amended, advanced

Senators gave first-round approval March 9 to a Banking, Commerce and Insurance Committee clean-up bill.

LB327, introduced by Omaha Sen. Rich Pahls on behalf of the state Department of Banking and Finance, would make a number of changes to Nebraska's banking laws. Among other provisions, the bill would:



Sen. Rich Pahls

- require state chartered banks that hold fiduciary accounts to pledge collateral to secure amounts that exceed coverage guaranteed by the Federal Deposit Insurance Corporation;
- provide that examination and investigation reports remain confidential records of the department, even when transmitted to the subject of the report;
- authorize the department director to allow a state chartered bank to pay dividends even when its previous losses equaled or exceeded its undivided profits on hand;
- provide parity between state chartered banks and their federal counterparts;
- change to a sliding scale the



amount of pledged securities that trust companies and bank trust departments must pledge to the department to maintain their status;

- eliminate the \$1.50 per page fee the department is required to charge for copying documents;
- provide a definition of control in the Nebraska Sale of Checks and Funds Transmission Act and change control notice procedures;
- narrow the definition of loan broker;
- change the date an installment sales licensee must submit its audited financial statements to the department; and
- allow the director to suspend or revoke a license issued under the Delayed Deposit Services Licensing Act if a licensee has abandoned its place of business for a period of 30 days or more.

A committee amendment, adopted 36-0, would provide additional definition of the term control. The amendment also would require a licensee to file notice with the department director within 30 calendar days of any material change in license application information and to file a report within five business days of

any bankruptcy, receivership petition, license revocation or suspension, bond cancellation or felony charge or conviction against the licensee or any authorized agent.

LB327 was advanced to select file on a 38-0 vote.

Business & Labor

Bill would prohibit overtime in 24-hour care facilities

Public employees at 24-hour care facilities would be protected from mandatory overtime under a bill heard by the Business and Labor Committee March 9.

LB267, introduced by Omaha Sen. Steve Lathrop, would permit employees to refuse overtime after working 12 consecutive hours, unless an unforeseen emergency such as a disease outbreak or natural disaster occurs. Furthermore, employees would not be required to work seven consecutive days under any circumstances.



Sen. Steve Lathrop

ISSUES UPFRONT.....

Lathrop said a federal Department of Justice report detailing deficiencies at the Beatrice State Developmental Center named mandatory overtime as a central problem for patient care. The bill would stop the practice of mandatory overtime, which threatens employee health and patient safety, he said.

“As elected officials, one of our most significant responsibilities is to provide quality care to those citizens who live in our 24-hour care facilities,” Lathrop said.

Bill Crawford of Lincoln spoke in favor of the bill. He said it is impossible for people to work more than 12 consecutive hours or seven straight days and still provide adequate care.

“When you ask people to work mandatory overtime, it does affect the quality of the care, because people are physically exhausted,” Crawford said. “If you don’t give people the proper amount of rest, the care is going to be affected.”

Mike Marvin, executive director of the Nebraska Association of Public Employees, also testified in support of the bill. Though conditions at the Beatrice facility are improving slightly, he said, similar problems exist at other state facilities.

“I am here to warn you that the veterans’ homes and regional centers are not far away from becoming another BSDC,” Marvin said.

He said many third shift employees who cover overnight hours are required to work mandatory overtime on the first shift because it is the busiest part of the day. He also said records of mandatory overtime can be misleading, as employees often work voluntary overtime hours to avoid being assigned mandatory hours, which may be required with very little notice.

“Some of that voluntary overtime is

mandatory overtime,” Marvin said.

John Hilgert, DHHS director of veterans’ homes, testified in opposition to LB267. Hilgert said only 6.7 percent of hours worked at state care facilities from January 2008 to February 2009 were mandatory overtime. He said state care employees are currently restricted from working more than six consecutive days, unless they agree to work additional hours.

When mandatory overtime is administered, Hilgert said, employees with the least seniority are assigned to the shifts, which may last up to eight hours. To avoid mandatory overtime, employees can opt to work voluntary overtime, he said.

“LB267 would compromise the ability to provide safety and care in our facilities,” Hilgert said, adding that overtime requirements should be left to labor negotiations.

The committee took no immediate action on the bill.

Union-covered employees would pay ‘fair share’ under bill

Public employees who are not members of the unions that negotiate their contracts would be required to pay a fair share representation contribution under a bill heard by the Business and Labor Committee March 9.

LB557, introduced by Lincoln Sen. Danielle Nantkes, would allow unions to collect fair share contributions, which would not exceed the amount of dues required for union membership. Although fair share contributions would be an enforceable debt, the termination of employees

for failing to pay a fair share would be prohibited.

Nantkes said her bill would apply only to public sector employees and would keep the focus on the “fairness factor” for labor organizations.

George Forst, vice president of Nebraska Public Employees Local 251, testified in support of the bill. He said his union has a legal responsibility to negotiate on behalf of employees, regardless of whether they are members. Therefore, he said, the bill is needed to require nonmembers who “ride on the coattails” of dues-paying members to pay their fair share.

“We are only asking that the Nebraska Legislature level the playing field,” Forst said. “We should be able to recoup some of the expenses of that representation.”

Mike Marvin, executive director of the Nebraska Association of Public Employees, also testified as a proponent of the bill. He said a survey conducted by his staff found that 60 percent of complaints were submitted by nonunion employees.

“This is inherently not fair,” Marvin said. “If they don’t want a union job and union benefits, why are they working there?”

Jerry Pigsley, representing the Nebraska Chamber of Commerce and Industry, testified in opposition. He said it would be unfair for a slim majority of employees supporting union representation to force the entire work force to pay pseudo-dues.

“That 49 percent that voted against [union representation] will be paying under this bill,” Pigsley said.

He said attorney general opinions issued in 1993 and 2007 in response to similar legislation suggest LB557 could be ruled unconstitutional.

The committee took no immediate action on the bill.



Sen. Danielle Nantkes

ISSUES UPFRONT.....

Education

School board members could run for state office

A bill heard March 10 by the Education Committee would allow members of the state Board of Education to run for state office without having to resign.

York Sen. Greg Adams, sponsor of LB461, said the board is the only state agency in which members are prohibited from running for office.



Sen. Greg Adams

John Bonaiuto of the Nebraska Association of School Boards supported the bill. He said the board had lost members who resigned in order to run for state office and were unsuccessful.

“We think this does correct something that was unintentional,” he said.

The bill also would:

- make technical changes to the duty description of the commissioner;
- specify that the commissioner is not a member of the board;
- eliminate the requirement that the board meet during the first weeks of June and December each year; and
- require all board meetings to be in accordance with the Open Meetings Act.

The committee took no immediate action on the bill.

Creation of elementary attendance centers considered

The Education Committee heard testimony March 9 on a bill that would allow some school districts to create community-governed elementary sites.

LB473, introduced by Ellsworth Sen. LeRoy Loudon, would adopt the Nebraska Elementary Attendance Region Act, allowing residents of kindergarten through 12th grade districts to establish elementary attendance regions.



Sen. LeRoy Loudon

Loudon said his bill would assure community educational governance in sparsely populated areas of the state. A law adopted in 2005 eliminated school districts with only elementary grades. That legislation has led to some families making a two-hour commute to school each day, he said.

“We are literally exchanging instruction for trucking,” Loudon said.

Under the bill, residents of a Class II, III or IV school district would be allowed to submit an attendance region plan to the school board. The school board would have up to 45 days to consider it and either authorize the plan or require the residents to produce a petition with signatures from at least 55 percent of registered voters in the proposed region.

John Bonaiuto of the Nebraska Association of School Boards opposed the bill. He said the bill is not necessary because school boards are working with parents to ensure that sites that need to be kept open are being kept open.

No proponent testimony was offered and the committee took no immediate action on the bill.

General Affairs

Bill would restrict “adult” and sexually oriented businesses

Owners and employees of adult and sexually oriented businesses in

Nebraska would face additional restrictions under a bill heard March 9 by the General Affairs Committee.

Introduced by Sen. Mark Christensen of Imperial, LB443 would regulate the location and hours of operation of adult and sexually oriented businesses and the conduct of employees and patrons. An adult business is defined as an establishment in which a person appears in a state of sexually explicit nudity or seminudity in the performance of his or her duties. A sexually oriented business is one in which more than 10 percent of display space is used for sexually oriented materials.



Sen. Mark Christensen

Under the bill, such businesses would not be allowed to operate between 11 p.m. and 8 a.m. unless the business owns a liquor license. If a business has a liquor license, it could remain open during the hours designated by the license, but no sexually oriented entertainment activity would be allowed during the restricted hours.

In addition, no adult or sexually oriented business would be allowed to locate within ¼ mile of a child care facility, public or private school, public playground or recreational facility, residence or place of worship. Violation would be a Class I misdemeanor, with each day of the violation constituting a separate offense.

An employee of an adult or sexually oriented business, while in a state of sexually explicit nudity or seminudity, would be prohibited from being within six feet of a patron, touching a patron or touching another employee in a sexually explicit way. Patrons would be prohibited from touching

ISSUES UPFRONT.....

employees or their costumes while the employee is nude or seminude. Violation of any of these provisions would be a Class IV misdemeanor.

Christensen offered an amendment that would reduce to 1,000 feet the required distance between regulated businesses and other specified entities. The amendment also would prohibit an employee from being fully nude, increase to 35 percent the display space required to qualify as a sexually oriented business and change the closing time to 12 a.m.

Christensen said the bill would protect the public from the negative secondary effects of adult businesses, such as increased drug use and trafficking, noise, blight and crime. Several other states, including Ohio, Arizona and New Jersey, have similar laws that establish reasonable regulations, he said.

"This bill is not an attempt to shut these businesses down," Christensen said.

Dave Bydalek, executive director of Family First, testified in favor of the bill, saying Nebraska needs statewide regulations. Many adult businesses locate just outside of cities and towns to avoid municipal regulation, he said.

Nebraska Family Council executive director Al Riskowski also testified in support, citing concern about the location of adult businesses. Riskowski mentioned a specific adult business on South Street in Lincoln. The shop sits across the street from a grade school and a preschool, he said.

"It's not appropriate for it to be located in that spot," Riskowski said. "I believe it's very reasonable for us to regulate where these businesses are located."

Attorney Mary Quintero said the bill would protect women working in adult businesses as well as the general public. Testifying in support of the bill, Quintero said pornography is no laughing matter.

"Pornography is poison," she said, and should be treated accordingly. "Pornography is never innocent entertainment."

But Amy Miller of ACLU Nebraska said that merely reciting secondary effects of adult businesses is not sufficient grounds for restricting those businesses.

Testifying in opposition, Miller said the bill contains no linkage between negative secondary effects and specific businesses and communities in the state. Any law restraining the free speech activity of a particular type of business must be narrowly tailored, she said.

"The state would need to commit the money to do a Nebraska specific study," Miller said, and draft a bill based on the findings.

Ken Semler, owner of The Night Before Lounge in Lincoln, also testified in opposition, saying the bill would put him out of business. He said establishing a six-foot buffer zone between employees and patrons would be impossible in his bar due to the building's configuration.

Semler said he's been a responsible business owner for almost 30 years.

"It seems like we're getting picked on," he said.

The committee took no immediate action on the bill.

Cemetery fund changes proposed

The General Affairs Committee heard testimony March 9 on a bill that would change provisions relating to municipal cemeteries in Nebraska.

Under LB500, introduced by Wilber Sen. Russ Karpisek, a mayor, city council or board of trustees would be

able to set aside donations, bequests and proceeds from the sale of lots as a perpetual fund.

Income from such a fund could be used for the general care, management, maintenance, improvement, beautifying and welfare of the cemetery. No more than 20 percent of the principal could be used for such purposes in any fiscal year and no more than 40 percent in any period of 10 consecutive fiscal years.

Currently, use of the principal balance in a cemetery's perpetual fund is limited to the purchase and development of additional land.

Karpisek said some municipal cemeteries have large perpetual care balances, but still have difficulty with upkeep because they can access only the fund's interest to pay for mowing and other regular maintenance.

Gary Krumland of the League of Nebraska Municipalities testified in favor of the bill, saying cities and villages need access to funds for maintenance and special projects, such as paving cemetery roads, without having to issue a bond.

"We're just asking to give the cities a little more flexibility," he said.

The committee voted 8-0 to advance the bill to select file.

Government, Military & Veterans Affairs

Bill would eliminate county comptroller position

The position of county comptroller would be eliminated under a bill heard March 12 by the Government, Military and Veterans Affairs Committee.

In counties with a population of



Sen. Russ Karpisek

ISSUES UPFRONT.....

300,000 or greater, the county clerk also serves as comptroller. Currently, Douglas is the state's only county with a qualifying population.

Platte Center Sen. Arnie Stuthman said he introduced LB475 because the positions of clerk and comptroller should be separate. The comptroller should be appointed or hired by the county board, he said, because the board is statutorily responsible for audits. As fiscal officers, county clerks should not be responsible for audit functions, he said.



Sen. Arnie Stuthman

"For me, this is a government structure issue," Stuthman said.

Douglas County Commissioner Chris Rodgers agreed. Testifying in support of the bill, he said the board is not interested in eliminating the internal auditing process, but is uncomfortable with the audit function falling under the clerk's purview.

"We feel it's a clear conflict of interest," he said.

Lancaster County Commissioner Deb Schorr also supported the measure.

Lancaster County is rapidly approaching the qualifying population threshold, she said, and the board would like the comptroller provision removed from state law before it applies to Lancaster County. Combining the positions creates the appearance of compromised independence, she said.

Douglas County Commissioner Clare Duda said the current audit reporting structure is ineffective and can give the appearance of not being objective or independent. He said internal auditing cost the county over \$300,000 last year.

"We get very little bang for our

buck," Duda said. "Douglas County is not trying to eliminate internal audit, we're only trying to change its reporting structure."

But Douglas County internal audit administrator Carmen Harmon said the county's internal audit structure is independent and accountable. Testifying in opposition to the bill, Harmon said employees do not audit activities in which they were directly involved, and that audits are sought after and well received.

"County offices routinely ask for our assistance," she said. "Eighty-five percent of our recommendations are followed on a routine basis."

Audit analyst Brandon Clark also opposed the bill, saying it would jeopardize the future of internal audits because there is no guarantee that Douglas County will retain internal auditors without being legally required to do so.

"If you pass this bill, you move Douglas County away from transparent government," he said. "Who's going to watch our taxpayer dollars?"

Douglas County Clerk Thomas Cavanaugh also testified in opposition.

Cavanaugh said his duties as county clerk and chief audit executive are not in conflict. County clerks' fiscal duties are confined to preparing documents, he said, and do not involve making judgments regarding payment.

"I am not the cashier of Douglas County," he said.

Cavanaugh was not opposed to separating the two positions, provided that county comptroller be made an elected position in order to maintain public accountability.

"We still want to know where the money goes," he said.

The committee took no immediate action on LB475.

Location devices proposed for state vehicles

State-owned motor vehicles would be equipped with location devices under a bill heard March 12 by the Government, Military and Veterans Affairs Committee.

LB527, introduced by Lincoln Sen. Tony Fulton, would require that each state-owned motor vehicle be equipped with an automatic vehicle location system device beginning in 2011.



Sen. Tony Fulton

Fulton said the location devices contain both a global positioning satellite device and a central computerized tracking system. The bill would require that the tracking system be made reasonably accessible via a public Web site.

The bill was prompted by constituent complaints about seeing state vehicles at playhouses, movie theaters and ballparks, Fulton said. Currently, there is no systematic means of managing the state fleet to determine if misuse is occurring or to assure the public that it is not, he said.

Fulton acknowledged that the bill's \$2.13 million fiscal note likely would be prohibitive, but he argued that savings over time could cover implementation costs. He cited research indicating a 25 percent reduction in fuel consumption in Mississippi following implementation of a similar program.

"The Appropriations Committee will not look kindly on the fiscal note," Fulton said, adding that he likely will ask for an interim study to examine the measure's potential long-term cost savings.

William Klumper of Help System

ISSUES UPFRONT.....

Services in Omaha testified in support of the bill.

Automatic vehicle location device systems are the foundation of a proactive, systematic approach to fleet management, he said.

“[It] can enhance worker and public safety and can be very important in times of natural and manmade disasters,” Klumper said.

There was no opposition testimony and the committee took no immediate action on the bill.

Changes to state employee reimbursement proposed

State employees would encounter more lenient deadlines and less paperwork when submitting reimbursement requests under a bill heard March 12 by the Government, Military and Veterans Affairs Committee.

LB533, introduced by Bellevue Sen. Scott Price, would allow the state Department of Administrative Services to require receipts for meal expense reimbursement incurred while traveling on state business. The bill also would extend to 60 days the deadline for submitting reimbursement claims. Currently, claims must be made monthly.

Price said the bill makes common-sense changes by saving employees the step of transferring information from receipts to an expense log that is then submitted to DAS.

“Receipts would be less burdensome than current policy,” Price said.

Laura Peterson, DAS general counsel, testified in support of the



Sen. Scott Price

measure, which she said would provide the department needed flexibility and harmonize its policies with IRS guidelines.

“We want to ensure that government operates as efficiently and effectively as possible,” she said.

There was no opposition testimony and the committee took no immediate action on the bill.

Bill targets fraudulent petition signatures

A bill aimed at preventing fraudulent signatures on initiative and referendum petitions was heard March 11 by the Government, Military and Veterans Affairs Committee.

Introduced by Sen. Kent Rogert of Tekamah, LB575 would allow the secretary of state, attorney general and state Department of Labor to share employment and compensation information regarding any initiative or referendum petition circulator or any person employing or contracting with such a circulator.



Sen. Kent Rogert

If the attorney general found probable cause to prosecute a violation based on a state patrol investigation, the secretary of state would issue a cease and desist order suspending petition circulation.

The secretary of state, election commissioner or county clerk would not accept any signatures gathered by a circulator while under a cease and desist order, and any signatures gathered by a circulator convicted of violating a cease and desist order would be rejected.

The bill also stipulates that suits filed under its provisions would be

heard within 10 days of filing, and a decision rendered within 15 days. Any party would be allowed to appeal directly to the state Supreme Court within 10 days after a decision is rendered.

Rogert said the bill would protect the integrity of the state’s petition process, which he said has been tainted in the past by money and fraud.

“I respect the right of the public to petition our government,” Rogert said. “But we must protect our constitution.”

David Kramer of Omaha agreed, saying Nebraska needs a clear mechanism for investigating fraud allegations while the petition process is ongoing. The Legislature recently tightened rules for petition circulators, Kramer said, but there is confusion about where to submit evidence of violations.

In 2008, initiative opponents submitted evidence of infractions to all 93 Nebraska counties, he said. Several county officials responded that they lacked authority to investigate, he said, and suggested that investigations must be undertaken at the state level. State officials said the opposite.

“The majority of counties never responded at all, so we have no idea what became of those specific complaints,” Kramer said.

Brian Mikkelsen of the Nebraska State Education Association also testified in support of the bill.

Fraud is rampant in the petition process, he said, mostly due to out of state interests.

“Regardless of the issue and who is bringing it, we need to ensure that the integrity of the petition process is respected while the signatures are being gathered,” Mikkelsen said.

Representing the Western Nebraska Taxpayers Association, Mike

ISSUES UPFRONT.....

Groene of North Platte testified in opposition to the bill.

Groene said lawmakers should make the petition process easier, not more restrictive, adding that individuals have a right to cross state lines to assist Nebraskans with the petition process.

“You folks aren’t supposed to interfere with our right to initiative,” he said. “Let’s make it easier for people to sign a petition, not harder.”

Neal Erickson, deputy secretary of state for elections, also testified in opposition to the bill, saying some of its provisions are problematic. For example, the secretary of state’s office does not compile information on how petition circulators are paid, he said, and would have no information to share with other agencies regarding compliance with regulations prohibiting payment per signature.

Erickson also expressed concern regarding the ease with which an opponent could swear out an affidavit, obtain a cease and desist order and hinder the signature collection process before a circulator was shown to be guilty of any wrongdoing.

Rogert said he is not interested in hindering the petition process, but is concerned about petition circulators breaking the law.

“As soon as I stop hearing hundreds of complaints each year, I’ll stop working on the issue,” he said.

The committee took no immediate action on the bill.

Bill would change presidential electoral system

The Government, Military and Veterans Affairs Committee heard testimony March 11 on a bill that would adopt the National Popular Vote interstate compact.

Under LB623, introduced by Sen.

Ken Haar of Malcolm, the compact would require Nebraska’s presidential electors to pledge their Electoral College votes to the winner of the national presidential popular vote. The compact would take effect when enacted by states possessing a majority of electoral votes. States representing 50 of the necessary 270 electoral votes have enacted the compact.



Sen. Ken Haar

Currently, two of Nebraska’s five Electoral College votes are pledged to the statewide popular vote winner, with the remaining three pledged to the popular vote winner in each of the state’s congressional districts. All other states except Maine allocate electoral votes on a statewide, winner-take-all basis.

Under the current system, the national popular vote loser has been elected president four times. Haar said changing to a national popular vote system would ensure that the second place candidate is not elected in the future.

Current Electoral College rules exist in state law, he said, and no changes to the U.S. Constitution are necessary to alter how a state’s electors vote. Haar said the current system encourages presidential candidates to concentrate their efforts on swing states - those with many electoral votes and a history of alternating between parties.

“Two thirds of states are ignored in presidential elections,” Haar said. “We just experienced an election by the swing states of America.”

Dan Johnson-Weinberger, a Chicago attorney and adjunct law professor, testified in support of the bill, saying approximately 20 states are

considering joining the compact. He reminded senators that the move to a national popular vote would occur only when enough states join the compact to constitute a majority of Electoral College votes.

“In a national popular election vote, every vote matters,” he said.

Neal Erickson, Nebraska deputy secretary of state for elections, testified in opposition.

Joining the National Popular Vote compact would change the state’s constitution without going through the amendment process, he said. If Nebraskans want to change the state’s Electoral College process, they should do so through traditional means, Erickson said.

The committee took no immediate action on the bill.

Judiciary

Committee considers proposals restricting sex offenders

The Judiciary Committee heard testimony March 11 on two proposals dealing with registered sex offenders.

LB97, introduced by Omaha Sen. Scott Lautenbaugh, would create the offense of unlawful use of the Internet by a registered sex offender and enhance the penalties for crimes relating to enticement of a child and the manufacture, possession and trafficking of child pornography.



Sen. Scott Lautenbaugh

Lautenbaugh said that as technology changes, Internet predators find new avenues to pursue their victims,

ISSUES UPFRONT.....

such as social networking sites.

“Nebraska’s justice system must keep pace,” he said.

LB97 also would:

- change online enticement using a computer to online enticement using an electronic communication device to include PDAs or cell phones.
- expand the definition of visual depiction of sexually explicit conduct to include undeveloped films and videotapes and images on a computer screen;
- eliminate the applicability of the statute of limitations for the crime of incest;
- describe rules and procedures for introducing child pornography in court and for sharing child pornography evidence with the defense through the discovery process;
- require judges to inform sex offenders at sentencing that they will be required to disclose pertinent computer and Internet information to law enforcement and that they are prohibited from accessing and using social networking sites;
- add the crime of enticement by electronic communication device to the list of registered offenses; and
- allow for service of search warrants and subpoenas on internet service providers headquartered in other jurisdictions but doing business in Nebraska.

Corey O’Brien of the attorney general’s office testified in support of the bill. He said investigators have found 10,000 IP addresses actively trading child pornography in the state.

“We are seeing an explosion in the distribution of child pornography,” he said.

Ed Sexton, an investigator in the

attorney general’s office, also supported the bill. During a training class, he said, 75 percent of the investigators posing online as children were contacted by registered sex offenders. The provisions of LB97 would give law enforcement officials more tools to protect children, Sexton said.

Amy Miller of ACLU Nebraska opposed the bill, citing constitutional issues. She said LB97 would require registered sex offenders to turn over their computers without a search warrant.

“That flies squarely in the face of the fourth amendment,” she said.

She also said studies show recidivism rates for sex offenders are no different from those of other criminals, so placing special restrictions on their computer use is not justified.

LB15, introduced by Omaha Sen. Tom White, would require the addition of driver’s licenses, e-mail addresses, instant messaging screen names and other Internet communication identifiers to the database of registered sex offenders.

White said the bill would help parents monitor their children’s Internet contacts. He said the bill also would reduce the number of sex crimes, since victims often become violators.

“If we cut down the number of perpetrators in this generation we will certainly cut down the number of perpetrators in the following generation,” White said.

The committee took no immediate action on either bill.

Bill would track HHS case manager changes

A bill heard March 12 by the Judiciary Committee would track case manager turnover at the state Department of Health and Human Services.

LB82, introduced by Omaha Sen. Gwen Howard, would require the department to submit to the courts the name of the case manager being replaced, the name of the new case manager and the number or times a new case manager has been assigned to the juvenile since the case was referred to the department. The bill stipulates that notification be provided within seven days after the assignment of a new case manager.



Sen. Gwen Howard

Changing case managers often results in families having to start over in the system with a new person who is unfamiliar with their case, Howard said.

“This gives us the data necessary to address these problems,” she said. “Without the data, we’re just telling stories about the problem.”

S.J. Johnson of Region V testified in support of the bill, calling it “good practice and common sense.” He said the bill is necessary because the department does not currently notify the court of changes in a timely manner.

“It does not appear that the current culture in Health and Human Services supports this kind of good practice and common sense,” he said.

Johnson suggested that the bill could further assist families if it added a requirement for case managers who are leaving to meet with their clients to explain why they are leaving and introduce them to the new case manager.

Georgie Scurfield of the Foster Care Review Board testified in a neutral capacity. Of the 4,453 children in out-of-home care, 1,452 have had four or more case managers, she said,

ISSUES UPFRONT.....

and 210 have had 10 or more.

“This is a significant problem,” Scurfield said. “But we’re not sure this is the way to solve it.”

She said the solution to high case manager turnover is smaller caseloads, more professional support and higher rates of compensation.

Todd Landry, director of the department’s division of children and family services, also testified in a neutral capacity. He said the courts already are notified of case manager changes although it is not currently required to be within seven days of the change.

The committee took no immediate action on the bill.

More restrictions proposed for sexual predators

Political subdivisions could place more restrictions on sexual predators under two bills heard by the Judiciary Committee March 12.

LB265, introduced by Sen. Robert Giese of South Sioux City, would allow political subdivisions to prohibit sexual predators from living within 500 feet of a public park, swimming pool or athletic field.



Sen. Robert Giese

“They are frequented by large numbers of children and these children are often unsupervised,” Giese said.

Under current law, sexual predators may be restricted from living within 500 feet of schools or child-care facilities.

Scott Ford, South Sioux City police chief, testified in support of the bill.

“It does very little good to restrict sex offenders who have a very high

possibility of reoffending from just schools and child care facilities where children are highly supervised,” he said.

LB284, introduced by Lincoln Sen. Tony Fulton, would allow political subdivisions to enact employment restrictions for sexual predators, defined in current law as a registered sex offender who has assaulted a minor and has a high likelihood of recidivism.

Fulton said employment restrictions could curtail avoidable threats to child safety.

“This bill is one that I wish I did not have to introduce,” he said. “But I believe this is an important tool in protecting our children.”

Mel Beckman of Omaha testified in opposition to both bills. He said he has two friends who are sex offenders who would be negatively affected by LB284.

“Considering how hard it is for any offender to even get an interview, it would simply be unjust,” he said.

No proponent testimony was offered.

The committee took no immediate action on the bills.

Bill would change conceal and carry law

A bill heard March 11 by the Judiciary Committee would make changes to the Concealed Handgun Permit Act.

LB430, introduced by Imperial Sen. Mark Christensen, would nullify all city and village ordinances, permits and regulations regulating the ownership, possession and transportation of fire-



Sen. Mark Christensen

arms. Christensen said the bill would remove inconsistencies in conceal and carry policies across the state.

“This patchwork creates confusion on what is lawful and unlawful as you travel across the state of Nebraska,” he said.

In addition, LB430 would allow a place of worship to authorize its security personnel with concealed handgun permits to carry concealed handguns.

Christensen said the provision is modeled after the current law that allows security personnel for financial institutions to carry concealed handguns.

The bill would allow military personnel permanently stationed in Nebraska who are not considered residents of Nebraska for voting and tax purposes, to be considered residents for the purpose of concealed handgun permits.

The bill also would allow the recognition of concealed handgun permits from other states. Recognized states would have to require standards equal to or greater than Nebraska standards as determined by the state attorney general.

LB430 also would allow the Nebraska State Patrol 30 days to issue a concealed handgun permit after a permit application is made, instead of five days after a criminal background check.

Cody Blocker, director of security at Lincoln Berean Church, testified in support of the bill. He said churches are targets for violent crime, citing a recent incident in Maryville, Ill., where a Baptist pastor was shot and killed during his Sunday morning sermon.

“Why should churches be the most unsafe places in town?” Blocker asked. “Churches should be the safest place for people to congregate.”

ISSUES UPFRONT.....

Jordan Austin of the National Rifle Association also supported the bill. He said nine other states recognize Nebraska handgun permits, while Nebraska doesn't recognize any other states' permits.

Chris Zeeb of the Nebraska Firearm Owners Association testified in support of the measure. Allowing cities and villages to opt out of the conceal and carry law made it impossible for permit holders to remain law-abiding as they traveled through different communities, Zeeb said. He also said the inconsistency made the state less safe.

"It's creating gun-free zones where criminals know they're not going to be resisted," Zeeb said.

Gary Williams, a U.S. Navy captain stationed in Omaha, said he has moved 12 times during his service in the Navy. He supported the provisions extending permits to nonresident military personnel.

"I can't afford my family the same protection as a Nebraska resident can," he said.

Lincoln Police Chief Tom Cassidy opposed the bill, saying the bill would take too much control away from cities. For example, he said, the bill would nullify Lincoln's ordinance that prohibits carrying firearms in city parks.

Lynn Rex of the League of Nebraska Municipalities also opposed the bill. She said allowing cities to decide their own policies regarding conceal and carry ensures that communities have regulations tailored to individual needs. She said the local control issue was central to the original passage of the conceal and carry law in 2006.

"The conceal and carry law would never have passed if not for the local option," she said.

The committee took no immediate action on the bill.

Natural Resources

Scrap tire recycling program extended

Those with scrap tires will have an additional five years to recycle them under a program extended by a bill passed by the Legislature March 12.

LB379, introduced by Malcolm Sen. Ken Haar, delays by five years the sunset of the scrap tire recycling program provided by the Waste Reduction and Recycling Incentive Fund. The fund annually provides up to \$1 million for projects ranging from crumb rubber generation to tire-derived products.

The program also reimburses political subdivisions for costs associated with cleaning up scrap tire collection and disposal sites.

LB379 passed on a 46-0 vote.



Sen. Ken Haar

Revenue

Chewing tobacco tax changed

The taxation of chewing tobacco will be recalculated under a bill passed by the Legislature March 12.

LB89, introduced by Bellevue Sen. Abbie Cornett, changes the taxation of snuff from 20 percent of purchase price to 44 cents per ounce.



Sen. Abbie Cornett

The bill also defines "snuff" as any finely cut, ground or powdered tobacco that is not intended for smoking.

LB89 was passed on final reading by a 39-5 vote.

County valuations bill receives first-round approval

Counties with state-administered property valuations would have to pay for their own assessor under a bill debated by the Legislature March 11.

LB121, introduced by Lexington Sen. John Wightman, would require nine counties in the state to assume valuation responsibilities that they currently delegate to the state by June 1, 2012. State-assessed counties include Dakota, Dodge, Garfield, Greeley, Harlan, Hitchcock, Keith, Saunders and Sherman.

In 2010, affected counties would begin paying 33 percent of the state's expenses for administering county valuations and would have to budget for 66 percent of expenses in 2011. Exceptions for budget limits and levy lids are included to help pay for costs associated with reassuming valuations.

The bill also would permit counties, regardless of whether they border each other, to pursue interlocal agreements for joint assessment.

A Revenue Committee amendment was offered that would allow the nine affected counties to calculate their restricted funds by adding costs budgeted for reassuming assessments. It was adopted on a 44-0 vote.

Wightman said the nine counties



Sen. John Wightman

ISSUES UPFRONT.....

that do not provide for their own valuations cost the state \$2.46 million annually. He said LB121 would make the administration of assessments more equitable, since 84 counties currently subsidize the state assessment of the nine counties affected by the bill.

“I suggest it is unfair to pay the assessment costs for nine counties,” Wightman said. “It should either be all or nothing.”

Fremont Sen. Charlie Janssen said his own Dodge County benefits the most from state-administrated valuations. He said he supports LB121, however, because counties could perform assessments for less money.

“I think, overall, it comes down to an equity issue at the end of the day,” Janssen said.

North Platte Sen. Tom Hansen spoke in opposition of LB121. All counties were initially eligible to take advantage of state-administered valuations, he said, and the nine who did should not be penalized.

“These counties didn’t do anything wrong. They were asked if they wanted state assessment, and they said yes,” Hansen said. “These nine counties took advantage of that law, and now we are taking advantage of those nine counties.”

Cedar Rapids Sen. Kate Sullivan said LB121 would likely result in a property tax increase for affected counties.

“What is the real cost savings when we are just shifting the cost to local taxpayers?” Sullivan asked.

Janssen offered an amendment to increase the transition period from three to four years. Counties would be required to assume 25 percent of the costs associated with valuations in 2010, 50 percent in 2011, 75 percent in 2012 and 100 percent in 2013 under the amendment, which was adopted 47-0.

LB121 was advanced to select file on a 37-3 vote.

Sales tax holiday proposals heard

Two bills proposing sales tax exemptions during the first weekend of August were heard by the Revenue Committee March 11.

Both bills would schedule a sales tax holiday for the first Friday, Saturday and Sunday in August 2009 and 2010.

LB127, introduced by Lincoln Sen. Bill Avery, would provide sales tax exemptions for back-to-school items. Under the bill, sales tax would not be charged for clothes and supplies individually valued up to \$100 and computers valued up to \$1,500.



Sen. Bill Avery

Avery said sales tax holidays often encourage retailers to implement sales to entice consumers to shop. He cited a Missouri study finding that sales tax holidays may result in a net increase in sales tax revenue as shoppers purchase taxable goods in addition to their tax-exempt products.

In addition to its temporary sales tax exemption for school items, the bill would exempt college textbook sales from taxation. Eligible sales would include those to part-time or full-time students enrolled at higher education institutions who present their student ID.

Nebraska college students spend an average of \$865 annually on textbooks, Avery said, and his bill would save them an average of \$60 a year.

Sarah Fech, representing the University of Nebraska-Lincoln student government, testified in support of LB127. She said sales taxes associated with textbooks are influencing students to purchase their books online.

Textbooks have increased at four times the rate of inflation, Fech said, adding that one of her fellow student senators paid \$829 this semester for his books. She said sales tax savings would be applied to students’ other necessities, so the revenue would be gained elsewhere.

Jack Cheloha, registered lobbyist for the city of Omaha, opposed LB127. Based on the fiscal note, he said, the bill could cost Omaha \$600,000 in lost revenue that would otherwise pay for needed city services.

“That is a lot of police officers. That is a lot of library hours,” Cheloha said.

The general sales tax holiday proposed in LB161, introduced by Omaha Sen. Rich Pahls, would require participating retailers to pay the sales tax not collected from consumers, thereby making the bill revenue neutral.

Pahls said his bill would provide the state with a no-risk experiment to “test the waters for a sales tax holiday.”

Retailers would decide whether to participate and what products would be eligible. Unlike other states’ tax holidays, LB161 would provide no aggregate or per product cap, he said.

“LB161 would more than equal the playing field with the states that surround us,” Pahls said.

Ron Sedlacek, representing the Nebraska Chamber of Commerce, spoke in opposition to LB161. He advocated for a more traditional sales tax holiday that would not require retailers to pay the sales tax exemption offered to consumers.

In addition to losing profit equal to the amount of sales tax, Sedlacek said, retailers bear the costs of reprogramming their accounting programs to accommodate the remittance of sales tax for the holiday.

The committee took no immediate action on the bills.

ISSUES UPFRONT.....

State aid changes sought for NRDs

Bonds would have no effect on the state aid formula for natural resources districts under a bill heard by the Revenue Committee March 12.

LB210, introduced by Schuyler Sen. Chris Langemeier, would exclude property taxes levied for bonds when calculating NRD state aid. The state aid formula currently distributes funds based on the ratio of property taxes levied by an individual district compared to total property taxes levied by all NRDs.



Sen. Chris Langemeier

Langemeier said higher property taxes garner more state aid for an NRD. Excluding property taxes levied for bonds from state aid calculations would result in a more equitable distribution, he said.

Dan Smith, representing the Nebraska Association of Resources Districts, testified in support of LB210. He said the bill would not affect the amount of money allocated for aid, just its distribution.

Smith, who manages the Middle Republican NRD, said its state aid doubled after his district obtained a bond. The sizeable increase in state aid was not fair to other districts, he said.

"The only way that can happen is if dollars come from some other district," Smith said.

The committee took no immediate action on the bill.

Repeal considered for future corn check-off

Corn producers would be able to avoid a future check-off under a bill

heard by the Revenue Committee March 12.

LB466, introduced by Cortland Sen. Norm Wallman, would repeal an excise tax of 0.6 cents on the sale or delivery of corn and grain sorghum set to go into effect October 1, 2012. Revenue from the tax, intended for the Water Resources Cash Fund, would be offset by increased general fund transfers to the cash fund from \$2.7 million to \$10 million for fiscal years 2012-13 through 2018-19.



Sen. Norm Wallman

Wallman said excise taxes are traditionally implemented to stimulate the use of a commodity. The excise tax set for 2012 would be the first of its kind to use revenue for a different purpose, he said, as the Water Resources Cash Fund provides aid for the reduction of water use, particularly for the Republican River Basin.

Dry-land farmers are going to be charged for the corn check-off, Wallman said, even though they don't benefit from the Water Resources Cash Fund.

"I think its unfair to ask them to contribute more than other Nebraskans," Wallman said. "Agricultural is asked to carry too much of a burden again to address Nebraska's water challenge."

Steve Ebke, representing the Nebraska Corn Growers Association, testified in support of LB466. He said the check-offs are used for self-help programs, and the 2012 tax would be used to pay for an "obligation of the entire state of Nebraska."

Omaha Sen. Tom White asked Ebke why excessive water use should be an obligation for the entire state.

"Can you explain to my constituents in Omaha, Neb., that they should

pay for water to Kansas for irrigators who were wanting to make a profit?" White asked.

Ebke responded that a study found that 65 percent of the benefits of irrigation went to the overall economy of Nebraska, thereby making water use a state issue.

David Merrell, representing the Nebraska Farm Bureau, also testified in support of LB466. He said the 2012 tax would set a bad precedent due to its use and application. Furthermore, singling out corn and grain sorghum exempts many other crops, he said.

No opponent testimony was offered and the committee took no immediate action on the bill.

Transportation & Telecommunications

Committee hears proposal restricting smoking in cars

Drivers and passengers in vehicles transporting children under the age of 16 would be prohibited from smoking under a bill heard by the Transportation and Telecommunications Committee March 10.

LB93, introduced by Omaha Sen. Gwen Howard, would prohibit individuals from smoking in vehicles carrying children. Violators would be fined between \$50 and \$150 for the offense, which would not become part of the person's driving record.



Sen. Gwen Howard

Violators who participate in qualifying smoking cessation programs would be refunded their fines.

Howard said her bill was aimed at

ISSUES UPFRONT.....

preventing children from experiencing the hazardous effects of secondhand smoke. She said her bill would apply to all motorists, regardless of whether their car windows are down.

Due to the constricted space and limited ventilation of vehicles, she said, the effects of secondhand smoke are magnified. Children raised in a smoke-filled environment are at greater risk for asthma and middle ear infections, Howard said.

“LB93 is designed to protect our children,” Howard said.

Mark Welsch, president of the Group to Alleviate Smoking Pollution, testified in support of LB93. He said the legislation is not an anti-smoking bill, but a health bill for children. According to a report by the SIDS Foundation, he said, secondhand smoke is a contributing factor for half of deaths caused by sudden infant death syndrome.

Welsch said the bill would help protect children who do not have the ability to avoid secondhand smoke.

“When they are in a car, they can’t move. They can’t step out when the car’s going 60 mph,” Welsch said.

No one testified in opposition, and the committee took no immediate action on the bill.

Bill would expedite completion of Nebraska Expressway System

Communities hoping for completion of the Nebraska Expressway System would benefit from a bill heard by the Transportation and Telecommunications Committee March 10.

LB334, introduced by South Sioux City Sen. Robert Giese, would define the



Sen. Robert Giese

Nebraska Expressway System in statute and add two factors to the criteria the state Department of Roads uses in prioritizing road construction.

Under the bill, the department would have to consider the ability of citizens in cities with fewer than 15,000 residents to access interstate highways via an expressway and the impact of uncompleted portions of the expressway on the economic development of municipalities.

Initiated in 1988, the Nebraska Expressway System still lacks 179 of the 600 proposed miles of construction originally slated for completion by 2003, Giese said. Additions to the project also have gone uncompleted, he said.

Giese said the department allocated 9.1 percent of its budget to the expressway system in 2006, but “the slice of the pie is gone,” Giese said.

One factor that affects consideration of road projects is the average daily traffic, which was recently increased from 6,000 to 10,000 cars per day, Giese said. He said the change has “essentially eliminated segments of the expressway for construction” in his lifetime.

“If we consider traffic numbers alone ... we are doing a great disservice to our state’s economy,” Giese said, adding that large portions of I-80 would still be incomplete if that roadway had faced similar requirements during its construction.

Giese said the federal stimulus bill will provide a “golden opportunity” to free up funding for the expressway system.

Dennis Smith, director of public works for the city of Norfolk, testified in support of LB334. He said commercial truck traffic should be considered when prioritizing roads projects.

“Rural Nebraska has been pa-

tiently waiting for 20-plus years for the completion of the expressway system,” Smith said.

West Point Mayor Marlene Johnson testified in support of the bill. Average traffic on Highway 275, which runs through the center of West Point, can reach 7,000 vehicles, she said. The new 10,000-car requirement will delay upgrades to the road, making the difficult task of crossing the highway nearly impossible, she said.

Johnson said rural economic development is tied to road planning, and the current status of the Nebraska Expressway makes it difficult to map out future developments.

“We need to design our communities and find the areas that can grow to bring in new business,” Johnson said.

Lynn Rex, executive director of the League of Nebraska Municipalities, shared Johnson’s concern for rural development. She said the expressway system would drive economic growth in the state.

“Unless you have the transportation infrastructure, you simply don’t get businesses to come, and in some instances, you can’t get businesses to stay,” Rex said.

No one testified in opposition, and the committee took no immediate action on the bill.

Urban Affairs

Increased handicapped parking penalties proposed

Parking illegally in a handicapped-designated space would carry increased penalties under a bill heard March 10 by the Urban Affairs Committee.

Introduced by Sen. Mike Friend

ISSUES UPFRONT.....

of Omaha, LB524 would increase the penalty for an initial infraction from \$100 to \$150. Penalties for second and third infractions incurred within a one-year period would increase to \$300 and \$500 respectively. Currently penalties are \$200 for a second offense and \$300 for a third offense.



Sen. Mike Friend

Friend said penalties have not been revised since 1993.

Craig Enenbach of Paralyzed Veterans of America testified in support of the bill, saying there is no excuse for violating the law.

“Anybody who’s driving knows what those big blue signs are,” he said. “People who park there are consciously violating the law.”

Kathy Hoell also testified in support.

“I am totally dependent on handicapped parking,” she said. “Parking

illegally in handicapped parking spaces is rampant.”

Hoell said the state Capitol Building is one of the most difficult places in the state to find handicapped parking. The building has eight handicapped spaces, she said, but only two of them are van accessible. Hoell said she recently came to the Capitol to testify and six of the spaces were filled with illegally parked cars, forcing her to park over three blocks away.

The committee advanced the bill to general file on a 7-0 vote.

Priority Bill Designations.....

Priority bills are generally scheduled for debate before other bills. Each senator may select one priority bill, and each committee may select two priority bills. The Speaker may select up to 25 priority bills per session.

Bill	Senator/Committee	One-line Description
LB16	Exec. Board	Adopt the Taxpayer Transparency Act
LB35	Judiciary	Adopt the Violence Prevention Act, prohibit certain gang activity, and change certain firearm provisions
LB36	Flood	Change method and procedure for inflicting the death penalty
LB54	Fischer	Change integrated management plan provisions under the Nebraska Ground Water Management and Protection Act
LB63	Ashford	Change provisions relating to assault, firearms, graffiti, gang affiliation, juveniles, and jailhouse informers
LB68	Wallman	Provide procedures for closure of state residential facilities for persons with developmental disabilities
LB98	Carlson	Change noxious weed grant programs and the Riparian Vegetation Management Task Force
LB111	Janssen	Change provisions relating to fines for speeding in a construction zone
LB121	Wightman	Provide for reassumption of property tax assessment functions by certain counties
LB134	Pankonin	Change natural resources districts eminent domain powers
LB136	Avery	Change provisions for eligibility for medical assistance
LB159	Coash	Provide an income tax credit for long-term care insurance policy premiums
LB160	Nelson	Authorize issuance of flood protection and water quality enhancement bonds by natural resources districts
LB164	Revenue	Change provisions relating to tax incentive programs
LB188	Retirement	Change provisions of the County Employee Retirement Act and the State Employee Retirement Act
LB195	Health	Change the Statewide Trauma System Act
LB198	General Affairs	Adopt the Reduced Cigarette Ignition Propensity Act
LB202	Transportation	Provide for electronic certificates of title and lien notification
LB206	Nantkes	Adopt the In the Line of Duty Dependent Education Act
LB213	Revenue	Change Tax Equalization and Review Commission provisions
LB16	Exec. Board	Adopt the Taxpayer Transparency Act

continued next page

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LB213	Revenue	Change Tax Equalization and Review Commission provisions
LB224	Agriculture	Change Nebraska State Fair and Nebraska State Fair Board provisions
LB241	Agriculture	Change the Commercial Dog and Cat Operator Inspection Act
LB260	Rogert	Adopt the Nebraska Claims for Wrongful Conviction and Imprisonment Act
LB285	Friend	Change Sex Offender Registration Act provisions
LB286	General Affairs	Change distribution of lottery funds
LB288	Health	Change provisions relating to health and human services
LB292	Lathrop	Adopt the Nebraska Uniform Athlete Agents Act
LB300	Heidemann	Change bidding requirements for public power and irrigation districts
LB307	Council	Change sentencing requirements with respect to certain minors
LB322	Government	Prohibit nepotism and supervision of family members by executive branch officials and employees
LB327	Banking	Change regulatory provisions regarding financial institutions and entities
LB328	Banking	Change banking, mortgage bankers, and installment loan provision
LB334	Giese	Designate the state expressway system and change provisions relating to highway planning
LB340	Cook	Require the Coordinating Commission for Postsecondary Education to evaluate community college system
LB342	Campbell	Provide duties for the Department of Health and Human Services relating to payment for pediatric feeding disorder treatment
LB346	Howard	Adopt the Children and Family Behavioral Health Support Act
LB355	Lautenbaugh	Authorize cigar bars under the Nebraska Liquor Control Act and provide duties for owners of cigar bars
LB356	Dubas	Direct distribution of General Funds for Nebraska children in need of behavioral health services
LB361	Government	Change roll call provisions under the Open Meetings Act

Priority Bill Designations.....

Bill	Senator/ Committee	One-line Description
LB385	Pahls	Terminate sales tax provisions
LB392	Education	Change provisions relating to learning communities
LB396	Gloor	Adopt the Medical Home Act
LB403	Judiciary	Require verification of lawful presence in the United States for certain public benefits, public employment, contracting with public bodies, and tax incentive programs
LB420	Hadley	Change a sales tax exemption relating to nonprofit organizations
LB426	Retirement	Name and change provisions relating to the Police Officers Retirement Act
LB430	Fulton	Amend the Concealed Handgun Permit Act and state the power of cities and villages with respect to firearms
LB436	Nat. Resources	Provide for net metering of electricity
LB449	Louden	Change disability retirement allowance provisions of the School Employees Retirement Act
LB458	Harms	Provide for vocational training for public assistance recipients
LB463	Dierks	Provide for licensure of animal therapists and consultation between veterinarians and other health care professionals
LB476	Stuthman	Adopt the Center for Student Leadership and Extended Learning Act
LB477	Utter	Change provisions relating to water transfer permits
LB483	Langemeier	Change provisions relating to water well permits
LB489	Sullivan	Adopt the Area Health Education Centers Act
LB495	Urban Affairs	Change provisions relating to additions and platting of cities and villages
LB497	Transportation	Change ignition interlock device provisions and penalties
LB517	Hansen	Change provisions relating to family reunification and termination of parental rights
LB532	Price	Provide for the adoption of ordinances by counties
LB545	Adams	Change the Tax Equity and Educational Opportunities Support Act
LB547	Haar	Change the Attracting Excellence to Teaching Program Act
LB549	Education	Change provisions relating to schools
LB551	McGill	Extend the limiting age on sickness and accident insurance policies
LB555	Mello	Change provisions relating to a research tax credit
LB561	Nat. Resources	Provide for restriction of eminent domain for wind energy projects
LB568	Karpisek	Provide requirements for wind leases and easements
LB601	Nordquist	Provide for a medicaid waiver for community-based mental health services
LB603	Gay	Adopt the Behavioral Health Workforce Act and provide funding
LB615	Cornett	Adopt the Family Entertainment and Sports Attraction Act and rename the Municipal Infrastructure Redevelopment Fund Act and authorize a county sales tax
LB620	Performance Audit	Change provisions relating to the Office of Legislative Audit and Research
LB622	Bus. & Labor	Provide time limits and penalties for late workers' compensation medical payments
LB630	Bus. & Labor	Change workers' compensation medical fee and procedural provisions
LB633	White	Create the Neighborhood Development Act
LB646	Schilz	Adopt the Livestock Growth Act
LB653	Exec. Board	Create the Legislature's Planning Committee
LB658	Urban Affairs	Provide infrastructure system replacement mechanism provisions under the State Natural Gas Regulation Act
LB671	Pirsch	Provide powers and duties and change membership of the Nebraska County Attorney Standards Advisory Council relating to death investigations
LB675	McCoy	Provide for additional voluntary and informed consents from a woman prior to abortion
LB679	Performance Audit	Require certain disclosures from potential members of the State Foster Care Review Board
LB681	Christensen	Provide for refund of unconstitutional taxes, assessments, and penalties

A CLOSER LOOK.....

Proposal would fill gaps discovered by safe haven bill

continued from front page

worker had convinced him of the value of keeping children with their families when possible.

“Nebraska is a great state,” he said. “But Nebraska is not a great parent. The key to success is going to be with the family.”

Under the bill, parents could request temporary behavioral health services for their child from one of the six behavioral health regions in the state. The child would be assessed by the state Department of Health and Human Service’s division of behavioral health. A treatment plan would be created and an updated plan would be agreed upon after 90 days of services. Court oversight would provide direction to resolve disagreements about the plan.

The bill’s fiscal note estimates that the services will cost \$82 to \$119 million for the next fiscal year.

The Judiciary Committee offered an amendment that would cap annual appropriations at \$15 million. “This is a very thoughtful measure,” Omaha Sen. Brad Ashford said. “It is a restrained request. It is not a blow-the-bank kind of request.”

Omaha Sen. Tom White said the funding should not be a deciding factor, especially in light of the estimated \$230 million coming into the state for Medicaid funding as part of the federal stimulus package.

The committee amendment was adopted on a 39-0 vote.

Omaha Sen. Mike Friend opposed LB356, he said, because it does not specify how the funds could be used.

“We’re talking about \$30 million with virtually no parameters wrapped around it,” he said.

But Grand Island Sen. Mike Gloor disagreed.

“I trust the regions implicitly. They have done a great job,” he said. “This is not a dump of dollars.”

Sen. Danielle Nantkes agreed that the regions



Sen. Colby Coash speaks in support of LB356, which he said would fill the gaps discovered by the safe haven law.

are the best option for effective services.

“We have yet to see Health and Human Services be a good steward of Nebraska’s most vulnerable citizens,” she said. “We have to look to established programs in the regions.”

Several senators raised concerns about approaching the safe haven issue in a comprehensive manner.

Four other bills introduced this session also relate to behavioral health services.

LB136, introduced by Lincoln Sen. Bill Avery, would increase the income eligibility for the state’s Children’s Health Insurance Program for families with children under 19.

LB346, introduced by Papillion Sen. Tim Gay at the request of the governor, would require a statewide hotline that would provide screening, assessment and referrals to existing

community-based mental health resources.

LB601, introduced by Omaha Sen. Jeremy Nordquist, would provide for a Medicaid waiver for community-based mental health services.

LB603, introduced by Health and Human Services Committee, would create a behavioral health education center, to be administered by the University of Nebraska Medical Center.

Avery cautioned lawmakers to keep all the proposals in mind when considering the safe haven issue.

“We cannot discuss any of these bills in a vacuum,” Avery said. “This bill must be discussed in the context of other ideas.”

Dubas agreed, saying the bills also address needed behavioral health services for children.

“We’re looking at a puzzle here,” she said. “All of those pieces are a very important part of that puzzle.”

Speaker Mike Flood of Norfolk encouraged lawmakers to advance LB356 with an understanding that Gay and others would work on an amendment to be offered on select file that would combine the provisions of the related bills.

LB356 was advanced to select file on a 44-0 vote.

ISSUES UPFRONT.....

Relationship building key for Nordquist

Among the current events titles and political biographies lining his bookshelf, Sen. Jeremy Nordquist calls “Master of the Senate” one of his favorites. An account of former President Lyndon Johnson’s time in the U.S. Senate, the book is a blueprint for how LBJ interacted with his colleagues to pass legislation.

“[It] is really an amazing history on his time as majority leader — how he knew the system and built relationships to get his legislative agenda accomplished,” Nordquist said.

Nordquist said he places a similar value on relationship building in the Nebraska Legislature.

“This body is built on relationships,” he said. “You attend the

lunches with your colleagues, or you share meals with them. You visit and nurture those relationships, so when the time comes ... they are willing to listen to you and trust you.”

At 27, Nordquist is the youngest of the new senators this session. His interest in government started early, when he pitched in during his father’s bid for reelection to a city council seat in the small town of Beresford, S.D. His childhood memories include going door-to-door with his father, speaking with each of the town’s 2,000 residents during the campaign. The successful campaign was part of his father’s 20 years of service on the city council.

From small-town campaign volunteer, Nordquist graduated to legisla-

tive staffer. He served as legislative aide to former state Sen. John Synowiecki and, most recently, as research analyst for the Legislature’s Nebraska Retirement Systems Committee.

Nordquist said it is daunting to transition from staffer to senator, considering the number of issues in which legislators are expected to be versed.

“As a staff member, you focus on a few areas and the bill your senator is carrying; whereas as a senator, you have to do your best to be knowledgeable about every issue that is coming to the floor,” Nordquist said.

Nordquist spends much of his time outside the Capitol painting, fixing and restoring his Omaha home, which he described as “about a century old.”

He credits his handiness to his father and five older brothers, several of whom have experience in auto repair. From them he learned to repair cars, which he did to earn money while in high school. Nordquist’s automotive specialty was modifying 1970s General Motors automatic transmissions for one-gear direct drive. The lighter transmissions were great for dirt track racing, he said.

His home improvement projects give him a break from lawmaking and the bustle of the Legislature, though his focus on relationship building still comes in handy outside the Capitol.

“At home, I do my best to leave the issues of the Legislature at the Legislature and enjoy time with my wife, discussing things that we enjoy together,” he said.



Sen. Jeremy Nordquist and his wife, Shannon, enjoy a neighborhood stroll with their dog, Wilson.

COMMITTEE HEARINGS

Tuesday, March 17

Appropriations

Room 1524 - 1:30 p.m.

LB359 (Nelson) Change provisions relating to the Nebraska Cultural Preservation Endowment Fund
Agency 13 Dept. of Education
Agency 34 Neb. Library Commission
Agency 69 Neb. Arts Council

Education

Room 1525 - 1:30 p.m.

LB240 (Pahls) Require a minimum level of expenditures for direct classroom instruction

Wednesday, March 18

Appropriations

Room 1003 - 1:30 p.m.

LB648 (Christensen) State intent relating to funding for a highway-related study
Agency 24 Dept. of Motor Vehicles
Agency 40 Neb. Motor Vehicle Licensing Board
Agency 17 Dept. of Aeronautics
Agency 27 Dept. of Roads

Judiciary

Room 1113 - 1:30 p.m.

LB499 (Dubas) Allow breast-feeding as prescribed
LB147 (Pirsch) Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders
LB285 (Pirsch) Change Sex Offender Registration Act provisions
LB122 (Coash) Change terminology for the central register of child protection cases
LB237 (Lathrop) Adopt the Interstate Compact for Juveniles

Nebraska Retirement Systems

Room 1525 - 12:10 PM

LB426 (Pankonin) Name and change provisions relating to the Police Officers Retirement Act

Revenue

Room 1524 - 1:30 p.m.

LB249 (Fulton) Change sales tax collection fees
LB186 (Karpisek) Change sales and use tax collection fees
LB640 (Schilz) Provide a local option on refundability of sales tax under tax incentive laws

Thursday, March 19

Appropriations

Room 1003 - 1:30 p.m.

Agency 7 Governor
Agency 8 Lieutenant Governor
Agency 10 Auditor of Public Accounts
Agency 12 State Treasurer
Agency 14 Public Service Commission
Agency 3 Legislative Council

Judiciary

Room 1113 - 1:30 p.m.

LB38 (Flood) Change assault, assault on an officer, and offenses by a confined person provisions
LB39 (Flood) Adopt new rules of evidence relating to sexual offenses
LB145 (Avery) Prohibit firearms at schools, colleges, and universities as prescribed
LB258 (Harms) Change and provide penalties for minors in possession of alcoholic liquor
LB383 (Pahls) Provide for limited immunity from prosecution under the Uniform Controlled Substances Act

Revenue

Room 1524 - 1:30 p.m.

LB615 (Cornett) Adopt the Family Entertainment and Sports Attraction Act and rename the Municipal Infrastructure Redevelopment Fund Act and authorize a county sales tax
LB616 (Cornett) Rename and change provisions of the Municipal Infrastructure Redevelopment Fund Act and change cigarette tax distribution provisions

LB617 (Cornett) Change provisions relating to county community buildings, authorize a community building district, and authorize a sales and use tax
LB618 (Cornett) Adopt the Family Entertainment and Sports Attraction Act, authorize use of sales and use taxes, and authorize a county sales tax
LB559 (Gloor) Change the Convention Center Facility Financing Assistance Act

Friday, March 20, 2009

Appropriations

Room 1003 - 1:30 p.m.

Agency 28 Dept. of Veterans' Affairs
Agency 37 Workers' Compensation Court
Agency 75 Neb. Investment Council
Agency 77 Commission of Industrial Relations
Agency 85 Neb. Public Employees Retirement Board

Judiciary

Room 1113 - 1:30 p.m.

LB625 (Pirsch) Prohibit intentional exposure to another of a life-threatening communicable disease
LB507 (Pirsch) Change provisions and penalties regarding domestic assault in the third degree
LB513 (Lautenbaugh) Eliminate subrogation and contribution rights against a political subdivision or the state for property damage related to vehicular pursuit
LB598 (Ashford) Change the Nebraska Crime Victim's Reparations Act and authorize a Community Trust to assist with tragedies of violence or natural disaster

Revenue

Room 1524 - 1:30 p.m.

LB385 (Pahls) Terminate sales tax provisions
LB386 (Pahls) Change and suspend sales tax exemptions, change collection fees, change tax rates, state intent relating to property tax relief

CITIZEN VIEWS of the CAPITOL



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Named one of America's favorite buildings by the American Institute of Architects, Nebraska's State Capitol Building is a favorite subject among photographers. Its dramatic architecture provides many opportunities for closer study. The Unicameral Update invited members of the public to share their own Capitol photographs with our readers. This photo series is available in color on the Legislature's Web site, www.NebraskaLegislature.gov and from the Unicameral Update Online at <http://unicameralupdate.blogspot.com>.

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